

The issue of whether the Kansas Workers Compensation Act applies to this claim was before the Appeals Board previously. Following the September 21, 1995, preliminary hearing, an Order was entered by an administrative law judge which was appealed to the Board. In its Order of November 29, 1995, the Appeals Board held that the Kansas Workers Compensation Act applied to this claim.

The record now before the Appeals Board is substantially the same as that which was available for the prior review. Claimant's regular hearing testimony is the only new evidence. Claimant's testimony at regular hearing was primarily directed to the issue of nature and extent of disability. Accordingly, the record now before the Appeals Board on the issue of whether the Kansas Workers Compensation Act applies to this claim is essentially the same record as was before the Appeals Board on the appeal from the preliminary hearing Order.

The Appeals Board adopts the findings and conclusions enumerated in its November 29, 1995, Order and the August 6, 1997, Award entered by the Administrative Law Judge. For the reasons stated in those orders the Appeals Board finds this claim is covered by the Kansas Workers Compensation Act.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge Jon L. Frobish, dated August 6, 1997, should be, and is hereby, affirmed in all respects and the orders contained in said Award are hereby adopted by the Appeals Board as its own.

IT IS SO ORDERED.

Dated this ____ day of December 1997.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: James B. Zongker, Wichita, KS
Edward D. Heath, Jr., Wichita, KS
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Director